

game animal, fur-bearing animal, fish, or other aquatic-animal life, on the refuge; or

(c) Remove from the refuge, or injure or destroy thereon any flower, plant, tree, or other natural growth, or the nest or egg of any wild bird; or

(d) Injure or destroy any notice, sign board, fence, building, or other property of the United States thereon.

Commercial fishing may, however, be conducted in the waters of this refuge under regulation by the Secretary of the Interior.

(June 7, 1924, ch. 346, §§6, 7, 43 Stat. 651; 1939 Reorg. Plan No. II, §4(e), (f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

#### CODIFICATION

Section is a combination of sections 6 and 7 of act June 7, 1924, the last sentence only being from section 7.

#### TRANSFER OF FUNCTIONS

For transfer of certain enforcement functions of Secretary or other official in Department of the Interior under this chapter to Federal Inspector, Office of Federal Inspector for the Alaska Natural Gas Transportation System, and subsequent transfer to Secretary of Energy, then to Federal Coordinator for Alaska Natural Gas Transportation Projects, see Transfer of Functions note set out under section 725 of this title.

Transfer of functions of Secretary of Agriculture and Secretary of Commerce to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note set out under section 723 of this title.

### § 727. Powers of employees of Department of the Interior

#### (a) Arrest; execution of warrants; searches

Any employee of the Department of the Interior authorized by the Secretary of the Interior to enforce the provisions of this chapter (1) shall have power, without warrant, to arrest any person committing in the presence of such employee a violation of this chapter or of any regulation made pursuant to this chapter, and to take such person immediately for examination or trial before an officer or court of competent jurisdiction, (2) shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction to enforce the provisions of this chapter or regulations made pursuant thereto, and (3) shall have authority, with a search warrant issued by an officer or court of competent jurisdiction to make a search in accordance with the terms of such warrant. Any judge of a court established under the laws of the United States, or any United States magistrate judge may, within his respective jurisdiction, upon proper oath or affirmation showing probable cause, issue warrants in all such cases.

#### (b) Seizures

All birds, animals, fish, or parts thereof captured, injured, or killed, and all flowers, plants, trees, and other natural growths, and nests and eggs of birds removed, and all implements or paraphernalia, including guns, fishing equipment, and boats used or attempted to be used contrary to the provisions of this chapter or any regulations made pursuant thereto, shall, when found by such employee or by any marshal or

deputy marshal, be summarily seized by him and placed in the custody of such persons as the Secretary of the Interior may by regulation prescribe.

#### (c) Reports of seizures; forfeiture and libel proceedings

A report of the seizure shall be made to the United States attorney for the judicial district in which the seizure is made, for forfeiture either (1) upon conviction of the offender under section 730 of this title, or (2) by proceedings by libel in rem. Such libel proceedings shall conform as near as may be to civil suits in admiralty, except that either party may demand trial by jury upon any issue of fact when the value in controversy exceeds \$20. In case of a jury trial the verdict of the jury shall have the same effect as the finding of the court upon the facts. Libel proceedings shall be at the suit and in the name of the United States. If such forfeiture proceedings are not instituted within a reasonable time, the United States attorney shall give notice thereof, and the custodian shall thereupon release the articles seized.

(June 7, 1924, ch. 346, §8, 43 Stat. 651; 1939 Reorg. Plan No. II, §4(e), (f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433; Pub. L. 90-578, title IV, §402(b)(2), Oct. 17, 1968, 82 Stat. 1118; Pub. L. 101-650, title III, §321, Dec. 1, 1990, 104 Stat. 5117.)

#### CHANGE OF NAME

“United States magistrate judge” substituted for “United States magistrate” in subsec. (a) pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure. Previously, “United States magistrate” substituted in subsec. (a) for “United States commissioner” pursuant to Pub. L. 90-578. See chapter 43 (§631 et seq.) of Title 28.

#### TRANSFER OF FUNCTIONS

For transfer of certain enforcement functions of Secretary or other official in Department of the Interior under this chapter to Federal Inspector, Office of Federal Inspector for the Alaska Natural Gas Transportation System, and subsequent transfer to Secretary of Energy, then to Federal Coordinator for Alaska Natural Gas Transportation Projects, see Transfer of Functions note set out under section 725 of this title.

Transfer of functions of Secretary of Agriculture and Secretary of Commerce to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note set out under section 723 of this title.

### § 728. Expenditures

The Secretary of the Interior is authorized to make such expenditures for construction, equipment, maintenance, repairs, and improvements, including expenditures for personal services at the seat of government and elsewhere, as may be necessary to execute the functions imposed upon him by this chapter and as may be provided for by Congress from time to time.

(June 7, 1924, ch. 346, §9, 43 Stat. 652; 1939 Reorg. Plan No. II, §4(e), (f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

#### CODIFICATION

As originally enacted, this section contained an additional paragraph which appropriated a sum half of which was to be available, until expended, for the expenditures mentioned herein.

## TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture and Secretary of Commerce to Secretary of the Interior, by Reorg. Plan No. II of 1939, see Transfer of Functions note set out under section 723 of this title.

**§ 729. Price per acre**

The Secretary of the Interior shall not pay for any land or land and water a price which shall exceed an average cost of \$10 per acre: *Provided*, That this provision shall not apply to any land or land and water prior to May 12, 1928, acquired or contracted for under the provisions of this chapter.

(June 7, 1924, ch. 346, §10, 43 Stat. 652; Mar. 4, 1925, ch. 558, 43 Stat. 1354; May 12, 1928, ch. 534, 45 Stat. 502; 1939 Reorg. Plan No. II, §4 (f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

## CODIFICATION

Provisions of this section, which authorized an appropriation of \$1,500,000 for the acquisition of authorized areas and for all necessary expenses thereto, were omitted. The text set out above constituted the first and second provisos to the omitted provisions.

## AMENDMENTS

1928—Act May 12, 1928, substituted “which shall exceed an average cost of \$10 per acre” for “which when added to the price of land or land and water theretofore purchased, shall exceed an average cost of \$5 per acre”, and inserted proviso making the provision of this section inapplicable to any land or land and water prior to May 12, 1928.

1925—Act Mar. 4, 1925, substituted proviso for restriction on availability of money for acquisition of areas.

## TRANSFER OF FUNCTIONS

Transfer of functions of Secretary of Agriculture to Secretary of the Interior by Reorg. Plan No. II of 1939, see Transfer of Functions note set out under section 723 of this title.

**§ 730. Violations of law or regulations; punishment**

Any person who shall violate or fail to comply with any provision of or any regulation made pursuant to this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than \$500 or be imprisoned not more than six months, or both.

(June 7, 1924, ch. 346, §11, 43 Stat. 652.)

**§ 731. Effect on other laws**

Nothing in this chapter shall be construed as exempting any portion of the Mississippi River from the provisions of Federal laws for the improvement, preservation, and protection of navigable waters, nor as authorizing any interference with the operations of the Department of the Army in carrying out any project now or hereafter adopted for the improvement of said river.

(June 7, 1924, ch. 346, §13, 43 Stat. 652; July 26, 1947, ch. 343, title II, §205(a), 61 Stat. 501.)

## CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July

26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted “Title 10, Armed Forces” which in sections 3010 to 3013 continued military Department of the Army under administrative supervision of Secretary of the Army.

**CHAPTER 9—FISH AND WILDLIFE SERVICE**

Sec.

- 741, 742. Repealed or Omitted.
- 742a. Declaration of policy.
- 742b. United States Fish and Wildlife Service.
- 742b-1. Assistant Director for Wildlife and Sport Fish Restoration Programs.
- 742c. Loans for financing or refinancing of cost of purchasing, constructing, equipping, maintaining, repairing, or operating commercial fishing vessels or gear.
- 742c-1. Investment in obligations of the United States; proceeds to be used for fisheries.
- 742d. Investigations; preparation and dissemination of information; reports.
- 742d-1. Studies of effects in use of chemicals.
- 742e. Transfer of functions to Secretary.
- 742f. Powers of Secretaries of the Interior and Commerce.
- 742f-1. National Volunteer Coordination Program.
- 742g. Cooperation with State Department.
- 742h. Reports on fishery products.
- 742i. Effect on rights of States and international commissions.
- 742j. Authorization of appropriations.
- 742j-1. Airborne hunting.
- 742j-2. Uniform allowance.
- 742k. Management and disposition of vessels and other property acquired and arising out of fishery loans or related type of activities.
- 742l. Enforcement authority for the protection of fish and wildlife resources.
- 742l-1. Authority to use available law enforcement funds.
- 742m. Relinquishment of exclusive legislative jurisdiction.
- 743. Repealed.
- 743a. Detail of personnel and loan of equipment to Director of Bureau of Sport Fisheries and Wildlife.
- 744. Investigations; fish propagation; investigations of damages by predacious fishes; executive assistance.
- 745. Powers of Secretary.
- 746. Vessels of Fish and Wildlife Service.
- 746a. Operation and maintenance fees for the M/V Tiglax and other vessels.
- 747. Omitted.
- 748. Expenditure of appropriations for propagation of food fishes.
- 749. Omitted.
- 750. Station on Mississippi River for rescue of fishes and propagation of mussels.
- 751. Personnel.
- 752. Omitted.
- 753. Cooperative work.
- 753a. Cooperative research and training programs for fish and wildlife resources.
- 753b. Authorization of appropriations.
- 754. Commutation of rations for officers and crews of vessels of Service.
- 754a. Appropriations for United States Fish and Wildlife Service; purchases from.
- 754b. Funds from private entities credited to Resource Management account.
- 754c. Work under reimbursable agreements; recording obligations and crediting amounts received.
- 754d. Fee schedule for forensic laboratory services.
- 754e. Funds for contaminant sample analyses.